

### **REMARKS**

Claims 1-14 are pending in this application after this Amendment. Claims 2-9 are withdrawn from consideration. Claims 1 and 10 are independent. In light of the remarks contained herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1, 10, 13, and 14 under 35 U.S.C. §103(a) as being unpatentable over *Sasaki et al.* (USP 6,515,698) in view of *Iwasaki* (USP 5,987,265). Applicant respectfully traverses this rejection.

### **Claim Rejections**

In support of the Examiner's rejection of claim 1, the Examiner asserts that *Sasaki et al.* teaches all of the elements of claim 1, including an exposure control device for controlling an amount of exposure in the imaging device on the basis of the photometry values outputted by the photometry device, citing to external light sensor 107, col. 7, lines 40-45, col. 8, lines 30-35, col. 10, line 40 through col. 11, line 3 and Fig. 3. The Examiner admits that *Sasaki et al.* fails to teach or suggest a photometry device for performing photometry for each of the sections obtained by dividing an imaging area into a plurality of sections to output photometry values. The Examiner relies on the teachings of *Iwasaki* to cure the deficiencies of the teachings of *Sasaki et al.* citing to photometry sensor 9, col. 5, lines 10-35, and Figs. 2-3. Applicant respectfully disagrees with the Examiner's characterization of these references.

The disclosure of *Sasaki et al.* is directed to an image recording apparatus, which employs a solid-state image sensor in combination with a color separation filter assembly (col. 1, lines 10-14). The electronic camera includes a CCD 101 equipped with color separation filters. At col. 8, lines 30-35, *Sasaki et al.* discloses that a correlative color temperature, measured when an image of interest is recorded, is estimated from color temperature information obtained by converting the output of an external light sensor 107 from analog form to digital form. The correlative color temperature is written to the header part 207. In other words, *Sasaki et al.* utilizes the output of the external light sensor 107 to determine the correlative color temperature.

In contrast, the present invention as set forth in claim 1 recites, *inter alia*, a digital camera comprising (1) a photometry device for performing photometry for each of the sections obtained by dividing an imaging area into a plurality of sections to output photometry values; (2) an imaging device for imaging a subject, to output image data representing an image of the subject; (3) an exposure control device for controlling an amount of exposure in said imaging device on the basis of the photometry values outputted by said photometry device; and (4) an image file create device for creating an image file containing the image data outputted from said imaging device and data representing the photometry values for each of the sections outputted from said photometry device, the image file create device creating the image file for each of imaging by said imaging device.

First, as the Examiner admits that *Sasaki et al.* fails to teach or suggest a photometry device, Applicant submits that *Sasaki et al.* fails to teach or suggest an exposure control device for controlling an amount of exposure based on the outputted photometry values, as asserted by the Examiner.

Second, the cited references fail to teach or suggest an image file create device for creating an image file containing data representing the photometry values for each of the sections outputted from said photometry device. *Sasaki et al.* teaches storing the output of the external light sensor, which is used for determining corrective color temperature. This information is not the same as the output of a photometry sensor. As such, even if the teachings were combined, the resultant device would not teach or suggest the image file containing photometry values.

Third, there is no motivation to combine the teachings of the cited references, as asserted by the Examiner. *Sasaki et al.* clearly discloses utilizing the output of the external light sensor to measure a correlative color temperature. By utilizing the output of the photometry sensor of *Isasaki*, instead of the light sensor of *Sasaki et al.*, and utilizing the photometry values of *Iwasaki*, the proposed modification would render the *Sasaki et al.* device unsatisfactory for its intended purpose. *Sasaki et al.* clearly describes the problem of different kinds of color filters requiring different forms of signal processing. In order to solve this problem, a device is

disclosed that enables the recording of the output of the image sensor and the recording of the output of the external light sensor in order to measure correlative color temperature. By replacing this information with the information of *Iwasaki's* photometry sensor, *Sasaki et al.'s* device is unsatisfactory for its intended purpose. As such, Applicant maintains that one skilled in the art would not be motivated to combine the teachings of the cited references, as suggested by the Examiner.

Fourth, *Iwasaki* discloses utilizing the photometry values in order to determine the proper exposure value of the object field. In other words, the photometry values are utilized at the time of the photo-taking operation. There is no teaching or suggestion in either *Sasaki et al.* or *Iwasaki* that would provide motivation for storing these values in the file of *Sasaki et al.* for later processing. As such, the only motivation for the combination of the references must have come from Applicants' own disclosure, which amounts to impermissible hindsight.

For all the reasons set forth above, Applicant maintains that claim 1 is not obvious over the references as cited. Further, Applicant maintains that dependent claim 13 is allowable for the reasons set forth above with regard to claim 1, at least based upon its dependency on claim 1. Applicant further maintains that independent claim 10 contains elements similar to those discussed above with regard to claim 1 and thus claim 10, together with claims dependent thereon, are not obvious over the references as cited.

### **Conclusion**

In view of the above Remarks, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinnet (Reg. No.

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52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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